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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/594,591      | 06/15/2000  | Hiroaki Kubo         | 018656-127          | 9368             |

21839 7590 02/13/2004

BURNS DOANE SWECKER & MATHIS L L P  
POST OFFICE BOX 1404  
ALEXANDRIA, VA 22313-1404

EXAMINER

TILLERY, RASHAWN N

ART UNIT PAPER NUMBER

2612

DATE MAILED: 02/13/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/594,591

Applicant(s)

KUBO, HIROAKI

Examiner

Rashawn N Tillery

Art Unit

2612

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 15 June 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2,4-10 and 12-16 is/are rejected.
- 7) ☒ Claim(s) 3,11 and 17 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 2.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

### ***Claim Objections***

1. Claim 1 is objected to because of the following informalities: On line 8 of claim 1, before "object" "an" is misspelled. Appropriate correction is required.
2. Claim 7 is objected to because of the following informalities: Applicant claims "said driver" in claim 7. There is improper antecedent basis for this limitation. For the purposes of examination, the examiner will interpret the limitation with its dependency from claim 6. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 2, 5, 6, 8-10 and 13-16 are rejected under 35 U.S.C. 102(e) as being anticipated by Higuchi (US6661460).

Regarding claim 1, Higuchi discloses, in figure 2, a digital camera comprising:  
an image sensor (5) for sensing an object;  
an eyepiece (16) for viewing an object;  
a display (11) for displaying an object image sensed by the image sensor;  
a selector (26) for selecting a mode for viewing an object on the display;  
a shield member (18) for shielding the eyepiece; and  
a controller (system controller) for moving the shield member to block the eyepiece when a mode is selected via the selector to view an object on the display (see col. 4, lines 9-31; also see col. 5, lines 18-40).

Regarding claim 2, Higuchi discloses, in figure 4, the selector is a slide switch and the controller includes a movement transmitting member which moves the shield member between an eyepiece open position and an eyepiece closed position in conjunction with a sliding movement of the slide switch (see col. 7, lines 30-55).

Regarding claim 5, Higuchi discloses a detector for detecting the exposure period of the image sensor, wherein the controller controls the opening and closing of a shield member so as to block the eyepiece during the exposure period detected by the detector (see col. 5, line 49 to col. 6, line 32).

Regarding claim 6, Higuchi discloses, in figure 2, a driver for controlling the position of the shield member (21).

Regarding claim 8, Higuchi discloses, in figure 2, a digital camera comprising:  
a mirror (18) to reflect part of the object image light and transmit the remaining light;

a finder (16) to capture part of the reflected light and including an eyepiece unit;  
an image sensor (5) to capture and photoelectrically convert the remaining  
transmitted light to image signals;

a display monitor (11) for displaying the image signals captured by the image  
sensor as a display image; and

an eyepiece shutter (18, see col. 5, lines 31-39) for shielding the eyepiece unit of  
the finder when the display monitor is used.

Regarding claim 9, Higuchi discloses a selector (26) for selecting a mode for  
viewing an object on the display monitor; and

a controller (system controller) controlling the eyepiece shutter to block the  
eyepiece unit when a mode is selected via the selector to view an object on the display.

Regarding claim 10, see claim 2 above.

Regarding claim 13, see claim 5 above.

Regarding claim 14, see claim 6 above.

Regarding claim 15, Higuchi discloses a digital camera comprising:

an image sensor (5) for sensing an object image;  
a display (11) for displaying an object image sensed by the image sensor;  
a detector (see col. 5, line 49 to col. 6, line 32) for detecting when the image  
sensor is undergoing exposure to the object image;  
a shield member (18) for shielding the eyepiece; and  
a controller (system controller) for moving the shield member to block the  
eyepiece when the detector detects the exposure.

Regarding claim 16, see claim 2 above.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 4 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Higuchi.

Regarding claim 4, Higuchi discloses the selector is a "dial-type" switch and the controller includes a rotation mechanism in that Higuchi teaches a manual mode where the user is able to manually slide a switch for reflecting light or transmitting light; see col. 7, lines 30-55; the examiner notes that a "dial-type" switch is not distinguishable from any other "type" switch.

Regarding claim 12, see claim 4 above.

*Therefore, it would have been obvious to ~~swap~~ interchange the two switch designs.*

2. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Higuchi in view of Higuchi et al (US6667770).

Regarding claim 7, Higuchi discloses a driver. Higuchi does not expressly disclose what's included in the driver. Higuchi et al teach that it is well known in the art to include a solenoid in an aperture driver (see col. 4, lines 24-53). It would have been

obvious to one of ordinary skill in the art to implement Higuchi et al's teachings since Higuchi does not disclose the physical makeup of the driver.

***Allowable Subject Matter***

Claims 3, 11 and 17 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Regarding claims 3, 11 and 17 the prior art does not teach or fairly suggest a digital camera comprising an image sensor, an eyepiece, a display, a selector, a shield member and  
a controller, wherein

the selector is a slide switch and the controller includes a movement transmitting member; and the movement transmitting member includes a contact member fixedly attached to a sliding part of the slide switch; an arm, one end of which contacts and is driven by the contact member and the other end of which moves the shield member; and a spring for imparting a force on the arm in a direction of contact with the contact member.


The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Lee teaches a combination optical and electronic viewfinder, Sakano et al teach photographing unit for a microscope.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rashawn N Tillery whose telephone number is 703-305-0627. The examiner can normally be reached on 9AM-6:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wendy Garber can be reached on 703-305-4929. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

RNT

  
WENDY R. GARBER  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600